

Texas Youth Commission Board Meeting

10:00 a.m., Friday, November 18, 2011

Brown-Heatly Public Hearing Room

4900 N. Lamar Blvd., Austin, Texas 78751

BOARD MEMBERS PRESENT:

Scott W. Fisher, Chairman

Joseph D. Brown

Larry Carroll

Hon. Rolando Olvera

Rev. Manson B. Johnson

TYC EXECUTIVE STAFF PRESENT:

Cherie Townsend, Executive Director

Karin Hill, Director of Internal Audit

Robin McKeever, Deputy Executive Director

Cris Love, Inspector General

Jim Hurley, Director of Public Affairs

Janie Duarte, Chief Financial Officer

Mary Wood, Director of Human Resources

James D. Smith, Director of Youth Services

Amy Lopez, Superintendent of Education

Jeannette Cantu, Executive Assistant

Rick Bishop, Chief Information Officer

Chuck Jeffords, Director of Research

OTHER GUESTS PRESENT:

Jamie Gardner, LBB

Sami Chadli, TYC

Karen Roe, TJPC

Yolanda Hall, TYC

Vicki Spriggs, TJPC

Lucy Rodriguez, TYC

Mike Meade, Fort Bend County

Carolyn Jackson, TYC

Lonnie Hunt, Houston County

Reide Myrick, TYC

Benet Magnuson, TCJC

April Griffin, TYC

Rob Kyker, TJJD

Karen Lashbrook, TYC

Brigitt Hartin, Rep. Marva Beck	Karen Kennedy, TYC
Lauren Rose, Texans Care for Children	Karol Davidson, TYC
Robert Nichols, Texas Senate	Maria Perez, TYC
Mark Williams, Tom Green County	Joe Schriever, TYC
Alexia Rodriguez, Southwest Key	Nora Oakman, TYC
Ben Aguilar, Southwest Key	Melanie Cleveland, TYC
Rachel Rosales, Southwest Key	Debbie Houser, TYC
Steven Albright, Texas Senate	Nelda Lyons, TYC
Willie Kitchen, Houston County	Art Hinojosa, TYC
Candace Nolte, Lt. Governor's Office	Nancy Slott, TYC
Kathryn Freeman, Texas Appleseed	Jerome Williams, TYC
Jane King, Randall County	Jack Allen, Office of the Inspector General
Thom Lambert, Crockett	Christina Courson, TYC
J.D. Hale, Sen. Robert Nichols Office	Tracy Levins, TYC
Andrew Phifer, UT Student	Kristen Perkins, TYC
Colleen Buck, Office of the Governor	
Randy Turner, Tarrant County	

OPENING REMARKS

Chairman Scott W. Fisher called the final board meeting of the Texas Youth Commission (TYC) to order at 10:10 a.m., November 18, 2011. Reverend Manson Johnson, TYC board member, led the opening prayer. All present recited the Pledge of Allegiance.

Chairman Fisher notified all present regarding the new agency as of December 1, 2012, with a new board. He recognized two new Texas Juvenile Justice Department (TJJD) board members in attendance: Mr. Rob Kyker and Ms. Jane King.

EMPLOYEE RECOGNITION FOR DEDICATION OF EXCELLENCE

Chairman Fisher recognized several agency staff that provided their support and professionalism to the coordination of the TYC board meetings: Jeannette Cantu, executive assistant to Cherie Townsend, executive director of Texas Youth Commission; Lucy Rodriguez, executive assistant to the TYC deputy executive director; Carolyn Jackson, executive assistant to the Chief Financial Officer; Nelda Lyons, administrative assistant in Education Services; Nora Oakmon, executive assistant to the Chief Information Officer; Melanie Cleveland, administrative assistant in the Executive Administration office; and Debbie Houser, executive assistant to the Director of Youth Services.

Additionally, Chairman Fisher recognized Karin Hill, director of internal audit, for 15 years of service to the agency. Under Ms. Hill's leadership, the internal audit staff proved to be the best and "top of their class." The agency appreciated their willingness to take on audits in key areas with strong recommendations that resulted in strategic improvements across the system.

AUGUST 26, 2011 MEETING MINUTES

Mr. Joe Brown moved to approve the August 26, 2011 meeting minutes. Rev. Manson Johnson seconded. The motion carried.

PUBLIC COMMENTS

Chairman Fisher opened the floor to public comment and acknowledged two individuals who registered to speak. He first recognized Texas Senator Robert Nichols who extended his thanks and gratitude to the board and Ms. Townsend for their work and improvements made for the youth and State of Texas, and looked forward to working with the new board. Senator Nichols said he appreciated being able to post an action item related to the Crockett State School, and expressed his support and the support of the community of Houston County for transferring the closed facility to the city or county for a public purpose.

Senator Nichols said there is an opportunity for the federal government to utilize the facility as an immigration retention center. They expect the Immigration and Customs Enforcement (ICE) agency to issue a request for proposals in the near future. Houston County and its community is requesting favorable consideration by the Texas Youth Commission (TYC) Board to transfer the ownership of the facility to Houston County for public purposes contingent on the county receiving the federal contract to convert the facility for a public purpose. Senator Nichols indicated that he received support from both Senator John Whitmire and Senator Steve Ogden for this proposal for repurposing.

Chairman Fisher next recognized Judge Lonnie Hunt for Houston County who echoed the same sentiments as Senator Nichols in supporting the transfer of the Crockett State School facility to Houston County. Judge Hunt recognized Houston County Commissioner Willie Kitchen and Mr. Tom Lambert, economic developer for the city of Crockett, both of whom accompanied him in a show of support for this request.

Judge Hunt said 290 jobs were lost in the small rural community as a result of the closure. They hope to put many of those who lost jobs back to work with the success of this transfer of the former Crockett State school facility to the federal government. Judge Hunt extended his thanks to James Smith, director of Youth Services and other TYC staff who have been cooperative with Houston County. A written request for such a proposal to repurpose the facility is on the agenda.

REPURPOSING CLOSED FACILITIES: CROCKETT STATE SCHOOL TRANSFER

Chairman Fisher recognized Robin McKeever, deputy executive director of TYC, to present this item. Ms. McKeever said the commissioner's court of Houston County requests the board's approval for the transfer of the TYC Crockett facility under the terms and conditions specified by Senate Bill 653. The request consists of a one-page proposal supported by a signed copy of a resolution adopted by the commissioner court on November 14, 2011. A sense of urgency is associated with this request due to the imminent departure of a key official at the commissioner's court as well as the transition of TYC to the new TJJD. Houston County officials wish to minimize potential disruption in the continuity of key knowledge related to the request.

The preliminary review by TYC staff and General Land Office (GLO) indicates the proposal satisfies the population request and the public interest in purpose criteria as established by SB 653.

The board entertained a motion, which was seconded and carried to approve the resolution whereas SB 653 of the 82nd Legislative session specifies certain requirements for the transfer of a closed facility on real property owned by TYC or TJJD after December 1, 2011.

Chairman Fisher recognized two guests in the audience: New TJJD Board Member Mike Meade, also chief juvenile probation officer of the Fort Bend County Juvenile Probation Department, and Ms. Vicki Spriggs, executive director of the Texas Juvenile Probation Commission.

Chairman Fisher recognized Robin McKeever for a special acknowledgement of Ms. Cherie Townsend's efforts for the previous three years with the TYC to heal the agency and prepare it for its future. Director of Youth Services James Smith acknowledged Ms. Townsend's hard work and devotion to her job and this agency, and thanked her for her leadership. TYC staff posed for a picture with Ms. Townsend.

EXECUTIVE DIRECTOR'S REPORT

Ms. Townsend expressed her deep appreciation to the board for its leadership and work of thousands of staff. For the previous three months, the focus of integration of program staff and youth in the remaining operating facilities. The school calendar was implemented on a positive note, which was a major undertaking. The rehabilitation programs continue to improve as does safety and security as a foundation for staff and youth. Specialized treatment programs are fully utilized and we continue to expand contracts for individual youth particularly for those needing mental health treatment. The Traumatic Brain Injury grant from the State Health and Human Services Commission has purchased program materials that allow art and music movement therapy at Corsicana Residential Treatment Center. Population has remained steady.

Legislative Budget Board staff has visited four facilities. The GitRedy grant has been funded for a second year; significant state wide family engagement training was held in September 2011. TYC received a PREA grant award of \$600,000 as one of four juvenile justice sites in the nation. TJJD will continue to provide comprehensive PREA services utilizing the previous Moss Group Report completed for TYC.

The Gainesville State School Tornados football team was featured on CBS-TV's "Courage in Sports." Gainesville staff and boys have done great jobs; their dedication is unbelievable. Almost 60 youth participated in the football team due to the inflow and outflow of kids who are moved or released.

The budget update is that the overall cost per day, in residential care, is projected to be reduced by 22% compared to last year; the level of overtime payments continues as somewhat of a concern. Agency staffing is more than 400 below the authorized cap which will give TJJD a good starting point; spending is well within budget.

Ms. Townsend reported that the UTMB contract was approved. Negotiations supported the upper limit, but staff is still working on an issue to reduce the indirect administrative cost. Dr. Parikh successfully negotiated with UTMB to reduce the overhead charge with TYC and UTMB agreed

to waive the monthly administrative fee, which was originally proposed to be \$360,000 annually for FY 2012. This is a positive and prudent result; it also reflects the kind of relationship we have developed with UTMB.

The status of closure activities and consolidation is that the agency continues to maintain efforts with limited staff and collaboration with Texas Department of Criminal Justice. The McLennan County State Juvenile Correctional Facility consolidation is an ongoing effort, and the transition at that location has not met our expectations. A plan is in place to support the facility and staff in a way consolidation can be successful and our concerns can be addressed.

In terms of collaborative efforts, the agency continues to work with Council on Children and Families, and Interagency Disparities. Ms. Townsend participated in an “undoing racism” workshop last month; the agency participated in State Employees Charitable Contribution (SECC). The vast majority of work focused on transition to new agency. Hundreds of hours were spent working with TJPC staff and supporting transition team.

In a final collaborative effort, Ms. Townsend and the agency staff recognized the staff’s partnership with the board and they expressed appreciation for the board’s public service leadership, time, and oversight. Ms. Townsend expressed the agency’s gratitude with a token of thanks and tentatively scheduled an informal photo session.

Chairman Fisher commended his board members for their work and membership.

INSPECTOR GENERAL’S REPORT

Chairman Fisher called upon Inspector General Cris Love for his report to the Board. Inspector General Love reported on the Summary Indicators for the Office of the Inspector General (OIG) which reflected FY 2010 statistics and year-to-date statistics for FY 2011. During FY 2010 there were 12,574 Incident Reporting Center reports; during FY 2011 there were 10,763 Incident Reporting Center reports.

During FY 2010, the number of administrative and criminal investigations opened numbered 2,371, and for FY 2011, there were 2,168 (combined administrative and criminal) investigations opened. During FY 2010, the number of closed investigations, both administrative and criminal, numbered 3,429 and 2,649 for FY 2011 (combined administrative and criminal investigations).

In FY 2010, 18.8% reports were opened as investigations; in FY 2011, 20% of incident reports were for investigation.

Inspector General Love referred the board to the November 18, 2011 memorandum. In August 2011, the TYC Internal Audit completed an audit related to alleged mistreatment investigations conducted by the OIG with six recommendations with which the OIG concurred. Each recommendation is now implemented or underway as follows:

- Effected procedural changes related to a review of the acceptance of allegations or incidents which have been referred. Reviewed OIG procedure related to allegations or incidents which are referred and not investigated by OIG with the Board and the Executive Director.
- Effected procedural changes related to the categorization of allegations or incidents involving use of force.
- Effected procedural changes to increase monitoring of OIG investigative case logs by management.
- Planned for the development of an automated investigative reporting system which will assist management with the review of investigative activities.
- Created additional investigative graphs which depict the timeframe related to the date of the report of an allegation or incident to the OIG and the date an investigation of an allegation or incident by OIG is closed.

Inspector General Love stated that the OIG is confident that these changes will enhance the OIG's ability to conduct efficient, effective, and impartial investigations related to alleged

mistreatment associated with TYC. The OIG will ensure that the procedural changes resulting from recommendations are routinely monitored and enforced.

Chairman Fisher asked Inspector General Love for an update on the collaboration with the TJPC and their incident reporting. Mr. Love responded that SB 653, Section 4.004, states that “As soon as practicable after September 1, 2011, the Texas Juvenile Justice Department shall establish the toll-free number for complaints, as required under Section 203.014, Human Resources Code, as added by this Act.” This provision was implemented on November 1, 2011, with the transfer of the TJPC Abuse, Neglect and Exploitation toll-free number to the TYC Incident Report Center. Calls from the former TJPC number are case-typed as “probation” and those calls are forwarded to a Microsoft Outlook probation investigator.

Inspector General Love made a final comment to the board thanking the board for their work, leadership and integrity.

BILL IMPLEMENTATION UPDATES

Chairman Fisher called on Robin McKeever to report on bill implementation. She said the agency is tracking 19 bills, of which 7 have been implemented. The most notable bill is SB 653, associated with many activities including the appointment of the Transition Team which meets every two weeks. Additionally, the new TJJD board was appointed on November 8th. Most of the mandatory training for new board members was accomplished on November 17th. All administrative support functions for business continuity are on track.

Staff continues to implement HB 1, the General Appropriations Act by preparing to present the remainder of the FY 2012 budget to the new board for submission to the Legislative Budget Board by February 1, 2012.

No questions were offered.

Chairman Fisher introduced Debbie Unruh, TYC independent ombudsman, Randy Turner, chief juvenile probation officer from Tarrant County and Mark Williams, chief juvenile probation officer from Tom Green County.

REPORT FROM THE FINANCE AND AUDIT COMMITTEE

Chairman Fisher called upon board member Larry Carroll to report on the Finance and Audit Committee. Mr. Carroll called attention to the Finance and Audit Committee dashboard and reported that the juvenile corrections officer (JCO) turnover rate, grievances and disciplinary actions were significantly down for FY 2011, the lowest the agency has ever experienced. Mr. Carroll also noted an internal assessment and business plan from the Internal Audit Division outlining their goals and accomplishments for the New Year. There were no questions.

Chairman Fisher called for a brief 10-minute break.

STAFF AND YOUTH INJURIES AUDIT

Chairman Fisher recognized Karin Hill, agency internal audit director. This report's objective is to determine whether the agency has an effective process to review incidents resulting in injury to identify trends, root causes, and implement preventions. The agency is making progress in reducing staff injuries. Management has made reducing staff injuries a primary goal and increased emphasis on this by including the topic in its operations team meetings. This emphasis has resulted in reduction in injuries and worker's compensation claims since FY 2008.

While the agency has a process with the potential to identify root causes and prevention of staff injuries, improvements could be made. A review of facility documentation for the functioning of Accident Review Boards identified inconsistencies in review practices, corrective actions that did not address the root cause and determinations that accidents were non-preventable when the discussion indicated otherwise.

Youth injuries have dropped slightly in the past 10 quarters. Injuries of self-harm have increased. The agency has implemented strategies to reduce injuries caused by youth aggression. Aggression Replacement Training (ART[®]), a 10-week program, and “walk and talk” have been implemented to reduce injuries caused by youth aggression and analysis shows mixed but mostly positive results with ART[®].

The agency does not have an analysis process to identify root causes and develop preventions although data is collected and reviewed. By providing management with injury data over extended periods of time, patterns can more readily be noted and management can focus on the most significant areas. A more integrated process could promote consistency and ensure activities directly support the goal of a safe environment. By integrating collection and review processes, efforts to reduce injuries and promote safety can be more focused agency-wide.

Mr. Larry Carroll moved to approve this audit. Rev. Manson B. Johnson seconded. The motion carried.

INTERNAL AUDIT REPORT FOR FY 2011

Ms. Hill presented a report provided in accordance with the Texas Internal Auditing Act for internal auditors to prepare and distribute an annual report of accomplishments and activities and complies with the guidelines set forth by the State Auditor’s Office. This report requires no action. No questions were asked.

Ms. Hill thanked the board for their guidance and leadership.

FOURTH QUARTER PERFORMANCE MEASURES

Chairman Fisher recognized Dr. Chuck Jeffords, Director of Research, to present the agency’s fourth quarter and annual performance measures report. Dr. Jeffords referred the board to the Key Performance Target Report FY 2011. Of the 25 measures that we report to the legislature, two measures – Cost of Mental Health Services Per Youth Day and Capacity Cost in Contract

Programs Per Youth Day were exceeded; five measures were within 5% of their targets and 18 measures were missed. Dr. Jeffords focused his presentation on those measures that changed categories or introduced since the last board meeting.

The only measure that changed categories was Specialized Correctional Treatment Cost; after the third quarter they were exceeding, but two large invoices received that raised the measure within the 5% target caused the category to change.

Dr. Jeffords explained outcome measures, which are measures of the accomplishment of the mission of the agency. The three types of these measures collected include: recidivism, JCO turnover, and education. Four recidivism measures – 2 of the four measures were within the 5% target; two that were missed include one-year re-incarceration rate and one-year rearrest rate for violent offense. Counties continue to divert more high risk youth to TJJD. The best predictor for recidivism is a term called “chronicity,” the length of a youth’s “rap sheet,” or the number of offenses a youth has been arrested for. TJJD receives higher risk youth, and percentages of rearrests and referrals have risen with these youth. JCO turnover rates rose from the 35% target to 41.64% with the closures of institutions; however, excluding the fourth quarter of those three closed institutions, the percentage is 27%, significantly better and the best we’ve had on record.

For the education outcome measures, diplomas and GED rates missed their targeted 49% at 38.72%, and reading gains were significantly below the target of 21% at 14.61%. Education had a large reduction in its targets with the turmoil of 2007, though this year the education scores are on the rise which indicates that we have turned the corner.

No action is required on this item. No questions were asked.

PROPOSED BUDGET FOR PARRIE HAYNES TRUST FUND

Chairman Fisher recognized Ms. Toysha Martin, General Counsel to present the proposed FY 2012 budget for the Parrie Haynes Trust Fund. James Smith, director of Youth Services, co-presented this proposal.

Ms. Martin explained that the Texas Youth Commission Board is the trustee of the Parrie Haynes Trust Fund, which includes over 4,000 acres of property in Bell and Milam counties, some of which is adjacent to Fort Hood. The funds helped educate orphans residing in the Corsicana State Orphan Home, which in 1957 became the Texas Youth Council. Although the focus changed to delinquent youth, the TYC retained ownership of the trust. In 2009, the legislature directed that TYC seek joint representation with Texas Parks and Wildlife Department (TPWD) for the transfer of the property to TPWD. Both agencies have satisfied the requirements under HB 3391 to seek that joint representation. The status of the transfer is pending. SB 653, abolishing TYC and transferring all duties and powers to the Texas Juvenile Justice Department, includes the TJJD board's management and oversight to the trust. In addition, all the assets and properties of TYC also transfer. The new TJJD board will become trustee. The value of trust assets is over \$15 million as of a June 2010 survey.

To the benefit of the fund, TYC and the General Land Office (GLO) negotiated a revenue-generating lease contract of electrical transmission line across the property for over \$650,000. Those funds are now available to support certain TYC orphan youth. During the last board meeting, there was a question of the definition of "orphan." The staff researched the definition and the entitlement for funds for educational purposes. Ms. Martin determined there has been no legal term defining an orphan since at least 1887. The 1957 definition authorized the agency to accept for admission at the Corsicana State Home "any child between the ages of 3 and 16 years who is a full orphan, a half-orphan or a dependent and neglected child."

In a previous ruling by Attorney General Ben Shepperd found that a successor agency could legally act as trustee of an existing charitable trust following a transfer of "...all rights, privileges, powers and duties" and is consistent with recent advice by the Office of the Attorney General to the General Counsels of TYC and TPWD.

A request for a renewal of a lease contract on the Parrie Haynes Ranch with Mr. Joe Raspberry, a neighbor of the property, would replace a similar previous lease at \$2000 per year. TYC staff consulted with GLO staff in determining that the proposed rate is reasonable for such a lease.

Mr. James Smith requested use of trust funds for four scholarships totaling \$44,300. Christina Courson, program specialist from Youth Services, explained the criteria for youth eligibility to receive trust fund support. Youth are recommended by case managers and liaisons to ensure the youth meet the requirements and complete the applications accurately. Funds may be used for tuition and fees as well as incidental expense funds if the youth is in school full-time. Living expenses for a dorm are also paid. Youth are required to report back to the agency to maintain funding for college, and in some cases, vocational training. Youth are typically required to apply for Pell grants prior to the trust fund as part of the agency's procedures.

Chairman Fisher entertained a motion to approve the budget. In response to a question, Ms. Courson stated that the Parrie Haynes Trust falls under the Aldine Independent School District.

Board member Larry Carroll moved to approve the Parrie Haynes Trust Fund budget as proposed. Mr. Joe Brown seconded. The motion carried.

Board member Judge Rolando Olvera urged the staff to provide all relevant information and documentation of the Parrie Haynes Trust Fund to the new board including the will and last judicial order and that the new board familiarize itself with the terms of the order keeping in mind that the district court is the only entity with the jurisdiction to modify the terms of the trust. He further recommended that the agency to return to the original court of jurisdiction to obtain an order, file a motion for approval for modification to bring the court up to date.

Mr. Carroll moved to approve the request by Joe Raspberry for a lease of \$2,000 for one year through December 2012. Mr. Brown seconded. The motion carried.

CONSTRUCTION CONTRACT CHANGE ORDER AT CORSICANA RESIDENTIAL TREATMENT CENTER

Chairman Fisher recognized Janie Duarte, chief financial officer, and Art Hinojosa, director of construction. Ms. Duarte said agency policy specifies the Board's authority and responsibility for approval of all construction contract change orders exceeding \$150,000. The board previously approved on November 19, 2010 the contract award to Zimmerman Construction Company of Burnet, Texas, for repair work at the Corsicana Residential Treatment Facility and the Ron Jackson State Juvenile Correctional Facility. The staff requests the Board's approval of a change order to the existing contract by adding \$396,380 for roof replacements to the Calvert Hall building and two youth cottages at the Corsicana facility. A project cost estimate is included in the board materials.

Chairman Fisher asked Ms. Duarte whether the roof repairs were previously funded. She responded yes, that the funding is from previous bond issues.

Mr. Joe Brown moved to authorize the Executive Director to execute a change order to the construction contract with the project name of "Facility Improvements – Group IIIA" for renovation projects located at Brownwood and Corsicana Texas. Rev. Manson B. Johnson seconded. The motion carried.

ANNOUNCEMENT OF CLOSED MEETING

Chairman Fisher called the board to recess at 11:35 a.m. to hold a closed meeting related to pending issues and personnel matters. The open meeting reconvened at 11:52 a.m. and Chairman Fisher announced the meeting adjourned.